

Minutes 11 March 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 11 March 2008, commencing at 8.45pm.

PRESENT:

Councillors S. Dover (Deputy Mayor); H. Brown; G. Dingle; G. Francis; J. Hodges; K. Jordan; J. Nell; G. Robinson; S. Tucker, General Manager; Executive Manager – Corporate Management, Acting Facilities and Services Group Manager; Acting Sustainable Planning Group Manager; Business and Support Group Manager.

049	Councillor Hodges Councillor Jordan	It was resolved that the apology from Cr Swan, Cr Baumann and Cr Westbury be received and noted.
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1779-003 – T19-2007

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Operations Committee agenda namely **Tender T19-2007 Provision of External Audit Service.**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Tender T19-2007 Provision of External Audit Service.**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

ORDINARY MEETING OF COUNCIL – 11 MARCH 2008

RESOLUTION:

050	Councillor Hodges Councillor Robinson	It was resolved that the recommendation be adopted.
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ITEM NO. 2

FILE NO: A2004-0573 - 16-2002-2029-1

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Information Paper - Item 1 on the Operations Committee agenda namely **Chan Industrial Pty Ltd vs Port Stephens Council – Section 123 Appeal.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning the commercial arbitration and legal costs incurred and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the report and the minutes of the closed part of the meeting remain confidential until the matter is settled.

ORDINARY MEETING OF COUNCIL – 11 MARCH 2008

RESOLUTION:

051	Councillor Hodges Councillor Robinson	It was resolved that the recommendation be adopted.
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ORDINARY MEETING OF COUNCIL – 11 MARCH 2008

RESOLUTION:

052	Councillor Hodges Councillor Robinson	It was resolved that Council move into confidential session.
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CONFIDENTIAL ITEMS

There being no further business the meeting closed at 9.00pm.